

Planning and Development
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

14th January 2019

Dear Sir/ Madam,

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, SCHEDULE 2, PART 3, CLASS O (AS AMENDED).

APPLICATION FOR PRIOR APPROVAL FOR THE CHANGE OF USE FROM OFFICES (USE CLASS B1(A)) TO DWELLINGHOUSES (USE CLASS C3).

SITE ADDRESS: UNIT 4, HAWTHORN ROAD, LITTLEHAMPTON

This application is submitted on behalf of our client, Envision Contracting Ltd, and seeks prior approval for the proposed change of use of offices (Use Class B1(a)) to Dwellinghouses (Use Class C3) under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) at Unit 4, Hawthorn Road, Littlehampton.

The information contained in this submission package comprises:

- This Covering Letter;
- Application Form;
- Location Plan (Ref: SLP01) (scale: 1:1250@A3);
- Block Plan (Ref: BP01) (scale: 1:500@A3);
- Existing Ground Floor Plan (Ref: E01) (scale: 1:100@A2);
- Proposed Ground Floor Plan (Ref: P01B) (scale: 1:100@A2);
- Acoustic Assessment (prepared by ACA Acoustics);
- Transport Statement (prepared by RGP); and
- Contaminated Land Risk Assessment (prepared by STM Environmental).

The statutory application fee of £96 is not required in this instance as this application is a resubmission for a development of the same character and description relating to the same site and applicant within 12 months of a refusal.

Site and surrounding area

The site is located within the authoritative boundary of Arun District Council and is approximately 1.7km north of Littlehampton town centre. It is located along Hawthorn Road on the northern side of the A 259 on the westerly approach to Littlehampton. Hawthorn Road is accessed off the roundabout at the A259/A284 junction and serves a small Business Park.

The property falls within Use Class B1(a) (Offices) and has lain vacant since March 2018. It comprises a single storey commercial building which is approximately 836.13m² and has been fitted out to provide basic office accommodation.

The property has a large parking area to the front and rear, which has provision for up to 50 vehicles in total. Vehicle access is from the south, off Hawthorn Road, which takes you to front car park, with a second driveway down the eastern side leading to the rear car parking area. Pedestrian access to the site is along Hawthorn Road, with access to the building at the front and the rear.

The surrounding Area

The properties in the immediate surrounding area are predominately commercial, including a variety of industrial units, with a Morrisons Food Store to the east. Directly opposite the site, over the A259, lies a large residential area, as well as further to the north and to the east.

Hawthorn Road is a 'no through road' and takes access from the wider highway network via a 5-arm roundabout junction with the A284 (travelling north/south) and the A259 (travelling east/west), this junction is the north-western arm of the roundabout. The road divides at the south-eastern extent after the roundabout to serve the Morrisons Food Store.

The closest bus stops to the site are the Courtwick Road bus stop, which is located a 450m walk to the south of the property and Seaton Road, 500m to the north. A number of regular local bus services are available within walking distance of the property, enabling prospective tenants to travel to and from the site via bus.

The nearest National Rail Station to the site is Littlehampton, which is located approximately 1.7km south of the site. The site has convenient access to local amenities, including retail, employment and leisure opportunities.

Planning History

Through undertaking an online planning history search, it can be confirmed that the unit benefits from lawful office use by virtue of a 1983 planning permission (Ref: LU/154/83). Following this, there have been two permissions for portacabins within the car park to support the office use in 2012 (ref: LU/30/12). There have been no subsequent permissions to change the use of Unit 4 from an office. Therefore, the planning

history search indicates that the lawful use of the property is B1(a) Office, and indeed this was the last use before falling vacant in March 2018.

In 2018 a prior approval application was submitted for the proposed change of use from office (B1(a)) to dwellinghouses (Use Class C3) to provide 10 residential dwellings (Ref: LU/176/18/PD). The Environmental Health Officer recommended the refusal of this application stating:

“Noise from plant, machinery, deliveries, and ancillary activities from surrounding commercial uses may adversely impact the amenity of future occupiers of the proposed development. Noise from the A259 may also adversely impact the amenity of future occupiers of the proposed development. No information on noise exposure is provided within the application.”

There was no Acoustics Report submitted with this application and as such, the case officer would have been within their rights to refuse the prior approval application on this basis. There were no grounds for objection in relation to highways and the application was withdrawn on the 6th August, to enable an acoustic report to be commissioned.

A further prior approval application was then submitted, for the proposed change of use from office (Use Class B1(a)) to dwellinghouses (Use Class C3) to provide 30 self-contained flats (14 studios and 16 one-bed flats) (ref: LU/286/18/PD). This application was refused on 5th December 2018.

The sole reason for the refusal was due to noise. The reason on the decision notice stated:

“By reason of the sites close proximity to neighbouring commercial uses, the proposed change of use of the premises to dwellinghouse use will result in unacceptable levels of noise and disturbance to prospective occupiers in conflict with paragraphs 170e and 180a of the National Planning Policy Framework 2018”.

However, the principle of the change of use from Offices (Use Class B1(a)) to Dwellinghouses (Use Class C3) under Class O has been accepted by Arun District Council, whereby the Officer Report states *“the principle of the development is not in dispute”*. There were also no objections in relation to highways, contamination and flooding.

Proposal

This application is a resubmission of LU/286/18/PD and seeks prior approval for the change of use from offices (Use Class B1(a)) to Dwellinghouses (Use Class C3), to provide 30 self-contained flats (14 studios and 16 one-bed flats). Further work has been undertaken by the Applicant's design team, in a bid to address the previous reason for refusal, and as such, an amended Acoustic Assessment is included within this submission.

As with the previous submission, this application is submitted on the basis that the proposed change of use is permitted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits development in the following circumstance:

“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

In this instance the proposed development can be considered under the Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, because:

- a) The building is not on article 2(5) land;
- b) The building was used for B1(a) (offices) use immediately before the 30 May 2013;
- c) The site is not and does not form part of a safety hazard area;
- d) The site is not and does not form part of a military explosives storage area; and
- e) The property is not a listed building or a scheduled monument.

For information, there will be no changes to the exterior of the building.

Development under Class O is permitted on the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

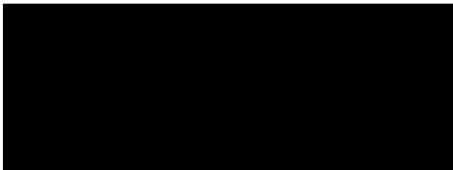
- Transport and highways impacts of the development;
- Contamination risks on the site;
- Flooding risks on the site; and
- Impacts of noise from commercial premises on the intended occupiers of the development.

Transport

A transport note has been prepared by RPG Transport Planning and Infrastructure Design Consultants and accompanies this application. It was carried out in keeping with best practice and current planning guidance and determines that the site is accessible to a range of local facilities, helping to reduce the need to travel long distances for many journeys.

The conclusions of this report are extracted below:

- The site is well located such that the need for prospective residents to travel by car is very low.
- There is the provision for 36 vehicles to be accommodated on site and therefore is considered that there is sufficient parking for prospective tenants.

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- 15 communal cycle parking spaces will be provided on site which is in line with West Sussex County Council's Parking Standards.
 - The proposed change of use to residential would result in a reduction in vehicle movements compared to the existing B1(a) land use, with circa 17 fewer vehicle movements during the AM peak hour, 16 fewer vehicle movements during the PM peak hour and 107 fewer two-way vehicle movements over the course of a typical day.

As such, the proposals are acceptable on highways grounds as there would be no material increase or material change in character of traffic in the vicinity of the site as a result of this proposal. The recent refusal (ref: LU/286/18/PD) deemed the proposal acceptable in terms of transport and therefore there are no highways and transportation reasons why the conversion of B1(a) (Offices) to C3 (Dwellinghouses) would not be acceptable.

Contamination

A Phase 1 Desk study contamination report has been prepared by STM Environmental accompanies this application. It was carried out in keeping with best practice and current planning guidance and determines that the risk posed to construction workers, future end users, site visitors, controlled waters, proposed structures (from ground gases) and plant & wildlife have been estimated as being moderate or low.

The Phase 1 Desk Study concluded that a limited intrusive site investigation including ground gas and vapour monitoring should be undertaken with the objective of determining the presence and extent of any soil contamination of the site. This is due to previous potentially contaminative land uses on the Site and immediate adjacent land including warehouses, Morrisons car park agricultural supplies woks and the tank and electrical substation.

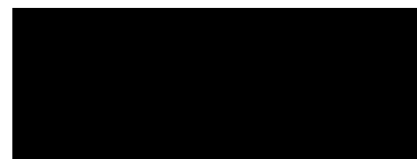
The Desk Study recommends that the scope should be agreed with the Local Planning Authority prior to any commencement of the work. The applicant welcomes the submission of this to be conditioned. In the case of the recent refusal (ref: LU/286/18/PD), no objections were raised with regards to contamination. Accordingly, no further action is required.

Flood Risk

The site falls within Flood Zone 1 and therefore a Flood Risk Assessment is not required.

Noise Impact

As mentioned above, a prior approval application was refused for the proposed change of use from office (Use Class B1(a)) to dwellinghouses (Use Class C3) to provide 30 self-contained flats (14 studios and 16 one-bed flats) (ref: LU/286/18/PD) in 2018. As mentioned above, the sole reason for refusal of the prior approval application was in relation to the impact of the noise from neighbouring commercial premises. The decision notice stated:



“By reason of the sites close proximity to neighbouring commercial uses, the proposed change of use of the premises to dwellinghouse use will result in unacceptable levels of noise and disturbance to prospective occupiers in conflict with paragraphs 170e and 180a of the National Planning Policy Framework 2018”.

An updated Acoustic Assessment has been prepared by ACA Acoustics to assess the impact that existing noise sources would have on the proposed residential development and to address the concerns previously raised by the Environmental Health Officer.

The updated Acoustic Assessment addresses each of the concerns raised by the Environmental Health Officer at Section 2 and includes additional clarifications on these concerns to demonstrate that requirements of the NPPF have been achieved. In summary, the report confirms the following:

- A worst-case scenario for neighbouring B2 uses has been considered. The report confirms that the façade sound insulation mitigation scheme proposed would ensure sound levels internally are significantly below British Standards, even in a worst-case scenario; and
- The report re-considers the operating hours of Morrisons and confirms that even with extended hours, there would be no detrimental impact on the amenity of residential occupants.

In light of this, the report concludes that the scheme is fully in accordance with Paragraphs 170 and 180 of the NPPF as future occupants will not be adversely affected by noise pollution and the proposed façade sound insulation scheme ensures that potential adverse impacts have been fully considered, mitigated and reduced to a minimum. The Acoustic Assessment prepared by ACA Acoustics demonstrates that noise levels within habitable rooms are significantly below guideline criteria and area clear indication that there would be no adverse impact on health or quality of life.

Conclusion

This application seeks prior approval for the proposed change of use at Unit 4 Hawthorn Road, Littlehampton, from Offices (Use Class B1(a)) to Dwellinghouses (Use Class C3) under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Development under Class O is permitted on the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highways impacts of the development;
- Contamination risks on the site;
- Flooding risks on the site; and
- Impacts of noise from commercial premises on the intended occupiers of the development.

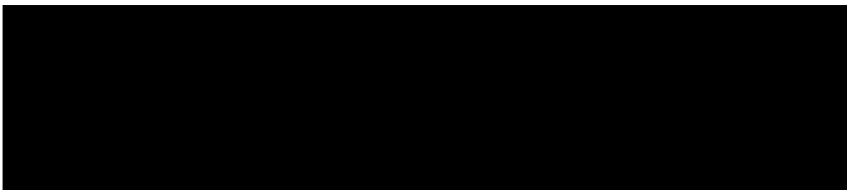
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The site falls within Flood Zone 1 and therefore a Flood Risk Assessment is not required. A Transport Statement, Contaminated Land Risk Assessment and Acoustic Assessment have been submitted alongside this application and none of the above indicates any reasons why the proposed change of use of Unit 4, Hawthorn Road should not be allowed.

Whilst noise has previously been a contentious issue for prior approval applications at Unit 4 Hawthorn Road all other aspects of consideration (land use, transport and contamination) have already been deemed acceptable by Arun District Council. The updated Acoustics Assessment has clearly addressed the concerns raised by the Environmental Health Officer and confirms that the site is suitable for residential development. Therefore, on the basis that the noise concerns have been adequately addressed, then JLL is of the opinion that a resubmission of the prior approval application for the change of use of Offices (Use Class B1(a)) to Dwellinghouses (Use Class C3) under Class O should be supported at Unit 4 Hawthorn Road.

In light of the above, we trust you can consider this application favourably and we look forward to receiving confirmation that the application has been validated. In the meantime, if you require any further information or clarification please contact Victoria Bennion on 0207 399 5884.

Yours faithfully,

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